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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,697	04/27/2007	Norman Victor Stenning	4295-00023	4308

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Milwaukee, WI 53202-4178

EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3689

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,697	Applicant(s) STENNING, NORMAN VICTOR	
	Examiner MICHAEL FISHER	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35,37,38,41,44-55,57,59,63 and 65-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35,37,38,41,44-55,57,59,63 and 65-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on 6/17/2004. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

The examiner will note that it appears that applicant filed the papers, however, they were either not properly identified or not properly filed and therefore, while the UK application is in the file, it is not properly identified as foreign priority papers. As the examiner is unsure why this is so, he is notifying the applicant that there has been a problem with these papers. Applicant should note that it is applicant's responsibility to properly provide these, not the Patent Office'.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 35,37,38,41,44-55,57,59,63 and 65-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim.

As to claims 35,57, Sim discloses a queue management system (title) for managing access to a plurality of services (fig 2) for a group through a virtual queue, (col 1, line 36-39) with registration means (col 2, lines 1-13), comprising an information carrier/mobile personal communicator (portable module, col 2, lines 3-5), at least one ID tag (col 3, lines 30-33) given to each in the group (col 1, lines 63-65), the ID indicates the group size (col 16, lines 58-60), an interface unit for enabling communications (figs 2,4), a processor that is responsive to communications and for generating a registration code (in box 40 of fig 4) which further tracks location (col 3, lines 1-5), and triggers a summons signal that initiates communications (fig 3), access control apparatus at the service for reading the ID tag ("detect "in cradle"", in box 40 of fig 4), that evaluates whether access should be permitted ("turnstile only allows access to responding prompter holders" as seen pointing at 101 in fig 7), the registration is stored as it is repeatedly checked, the ride they're on line for is one "specified", the tags are compared and evaluated (col 17, lines 9-13).

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Sim does not, however, teach using a mobile telephone network, however, mobile telephone networks are old and well known in the art, therefore, it would be obvious to one of ordinary skill in the art to use a mobile telephone network as Sim does teach using wireless communication (col 14, lines 59-62 and further, a telephone network, col 15, lines 39-42).

As to claim 37, the ID tag is a wristband (col 17, line 9).

As to claims 38,59, the tag includes a scannable code (it is "scanned" by radio, col 16, lines 64-66).

As to claim 41, as the code is in a computer, it must be alphanumeric.

As to claims 43,62, the device is a "registration pack" with information carrier (the information on the group) and ID tag (as previously discussed).

As to claim 44, there is a registration station (col 15, lines 11-16).

As to claims 46,65, the system tracks numbers in the queue (col 11, lines 56-61).

As to claims 47, the system tracks user movement through a queue (as discussed and further, col 2, line 66-col 3, line 21), it would be obvious to calculate a value for this as computers use values to compute.

As to claims 48,67, the system tracks timing of queues (col 4, lines 46-65).

As to claims 49,66, it would be obvious to calculate a "throughput profile" and calculate values on this to track customer satisfaction and how well the system is working, otherwise, it could be working poorly and this would not be known.

As to claims 50,69, it would be obvious to use records of service to ensure the system is working properly.

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As to claims 51,70, as the system tracks users using queues, it would track actual service throughput, it would be obvious to save this data as this could be used to track performance.

As to claims 52,71, it would be obvious to continue calculating the value as this would track performance.

As to claims 53,72, the virtual queue eventually joins the actual queue (as the person arrives at the ride), and tracks their place in the queue (col 11, lines 56-61).

As to claims 54, 55,73, the system stores, changes and arranges itineraries (col 17, lines 56-64).

As to claim 63, the ids are given via a "computer recognition process" (wherein the computer "recognizes" the account and provides the code).

Response to Arguments

Applicant's arguments filed 3/16/11 have been fully considered but they are not persuasive. As to arguments in relation foreign priority, it is the applicant's responsibility to ensure they are properly filed. As to arguments in relation to the transmission system, merely using a different, old and well known, transmission medium would not render any invention patentably distinct. As to arguments in relation to a "processor", the processor disclosed by the prior art meets the limitations as claimed. All other arguments are based on the patentability of claim 35 and have been addressed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL FISHER whose telephone number is (571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
6/4/11

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689